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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,696	11/29/2001	Takefumi Wakabayashi		1979

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EXAMINER

NANO, SARGON N

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/995,696

**Applicant(s)**

WAKABAYASHI, TAKEFUMI

**Examiner**

Sargon N Nano

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/7/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to application filed on Nov.29, 2001. Claims 1 –16 are pending examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 6 and 9 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Motoyama et al U.S. Patent No. 6,581,092 (referred to hereafter as Motoyama).

Motoyama teaches a method, system and a program product for communicating with machines and end users connected to a network (see abstract).

As to claim1, Motoyama teaches a monitoring apparatus connected to an e-mail transmission system for transmitting e-mail from a sender terminal to a receiver terminal via the internet, said monitoring apparatus comprising:

a monitoring section that monitors the receiver terminal (see col. 5 lines 25 – 30 and fig.1, Motoyama discloses machines and computers for monitoring diagnosing and controlling the operation of a machine); and

a notification section that notifies the sender terminal via the internet when the monitoring section detects a predetermined status of the receiver terminal ( see col. 14 lines 58 – 60, Motoyama discloses sending status messages to resource administration station).

As to claim 2, Motoyama teaches the monitoring apparatus according to claim 1, wherein the predetermined status of the receiver terminal comprises the power being turned on or off ( see col. 14 lines 58 – 60, Motoyama discloses sending status message that there is a lack of electric power).

As to claim 3, Motoyama teaches the monitoring apparatus according to claim 1, wherein the predetermined status of the receiver terminal comprises the receiver terminal being unable to receive e-mail data (see col. 14 lines 58 – 67, Motoyama discloses sending status message that there is a lack of electric power).

As to claim 4, Motoyama teaches the monitoring apparatus according to claim 1, wherein the predetermined status of the receiver terminal comprises the receiver terminal being unable to print (see col.14 lines 58 – 60 Montoyama discloses sending a status message for not being able to print).

As to claim 5, Motoyama teaches the monitoring apparatus according to claim 1, wherein the receiver terminal comprises an internet facsimile apparatus (see col. 11 lines 49 – 58 and fig. 6c).

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As to claim 6, Motoyama teaches the monitoring apparatus according to claim 1, further comprising: a destination information obtainer that obtains a transmission destination transmitted from the receiver terminal (see col. 15 line 66 – col. 16 line 4); a notified storage section that stores the obtained transmission destination as a notification destination (see col. 26 lines 1 – 4); and a notification section that retrieves the transmission destination from the notified storage section, and notifies the transmission destination when the monitoring section detects the predetermined status of the receiver terminal (see col. 14 lines 58 – 60).

As to claim 9, Motoyama teaches a receiver terminal connected to an e-mail transmission system that is provided with a monitoring apparatus, the e-mail being transmitted from a sender terminal to the receiver terminal via the internet, the receiver terminal comprising: a notification section that notifies the monitoring apparatus when a predetermined status occurs, wherein the predetermined status change comprises the receiver terminal being one of unable to print and unable to receive e-mail data (see col. 14 lines 58 – 67).

As to claim 10, Motoyama teaches the receiver terminal of claim 9, the receiver terminal comprising an internet facsimile apparatus (see col. 11 lines 49 – 58 and fig. 6c).

As to claim 11, Motoyama teaches the receiver terminal of claim 9, further comprising:

a transmission section that transmits e-mail via the internet (see col. 13, lines 1 – 16 and fig. 9);

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a destination information storage section that stores transmission destination(see col. 15 line 66 – col. 16 line 4); and a control section that transmits the transmission destination stored in the destination information storage section, to the monitoring apparatus when a predetermined status is detected (see col. 14 lines 58 – 60 ).

As to claim 12, Motoyama teaches a sender terminal connected to an e-mail transmission system that is provided with a monitoring apparatus, e-mail being transmitted from the sender terminal to a receiver terminal via an internet, the sender terminal comprising:

a receiver that receives a notification message from the monitoring apparatus via the internet when the monitoring apparatus detects a predetermined status of the receiver terminal(see col. 5 lines 25 – 30 and fig.1); and

a notification section that informs the sender terminal of the notification message (see col. 22 , lines 35 – 44).

As to claim 13, Motoyama teaches the sender terminal according to claim 12, further comprising: a one-touch button registration table that registers one-touch buttons in relation to destinations of receiver terminals; an e-mail transmission section that transmits e-mail to a destination corresponding to the one-touch button, when one of the one-touch buttons is pressed (see col. 7 line 49 – 55); and

an illuminating section, installed in each of the one-touch buttons, that illuminates the one of the one-touch buttons corresponding to the receiver terminal of the notification (see col. 7 line 49 – 55).

As to claim 14, Motoyama teaches the sender terminal of claim 13, wherein, the sender terminal comprises an internet facsimile apparatus (see col. 11 lines 49 – 58 and fig. 6c).

As to claim 15, Motoyama teaches a monitoring and notification method in an e-mail transmission system for transmitting e-mail from a sender terminal to a receiver terminal via the internet comprising:

monitoring the receiver terminal by a monitoring apparatus(see col. 5 lines 25 – 30 and fig.1, Motoyama discloses machines and computers for monitoring diagnosing and controlling the operation of a machine); and

notifying the sender terminal via internet if a predetermined status of receiver terminal is detected( see col. 14 lines 58 – 60, Motoyama discloses sending status messages to resource administration station).

As to claim 16, Motoyama teaches the monitoring and notification method according to claim 15, wherein, upon receiving the notification, the sender terminal provides an indication of a predetermined status at the receiver terminal, one of prior to and upon transmitting the notification to the receiver terminal (see col. 14 lines 58 – 60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama and in view of "Official Notice".

As to claim 7 and 8 Motoyama teaches the invention substantially as discussed above. Motoyama does not explicitly teach where in the message is a TRAP message.

However, examiner takes official notice that it would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention was made to incorporate the use of TRAP technique in order to inform a receiver that an event has occurred. Trapping is commonly used by debuggers to allow interruption of program execution at a given spot.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- System and method for monitoring a computer system process or peripheral by Smith et al. U.S. Patent No. 6,785,015.
- Reporting the state of an apparatus to a remote computer by Hansen U.S. Patent No. 6,757,714.
- Method and apparatus for automatically communicating returning status and information from a printer using electronic mail (email).by Chapman et al.6,522,421.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sargon Nano  
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Jan. 1, 2005

  
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